



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 08373-08
29 July 2009

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 July 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 14 July 2004. You served without incident for over two years until the period from 16 March to 27 May 2005, when you were medically evaluated. On 11 April 2007, the record shows that you were diagnosed with a Personality, Dysthymic, and Attention Deficit Disorder, which existed prior to entry with a history of treatment which was not disclosed during your enlistment process.

On 17 April 2007, you were notified of pending administrative separation action due to your diagnosed personality disorder. You elected to waive the rights to consult counsel, submit a statement or have your case heard by an administrative discharge board. On 17 April 2007, your commanding officer directed that you be discharged under honorable conditions. You were so discharged on 20 April 2007. At that time, you were assigned a RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your reenlistment code given the diagnosis of a personality disorder and the fact that you were found unsuitable to work in any capacity due to your impulsivity and risk of harm to yourself or others. An RE-4 reenlistment code is routinely assigned under such circumstances. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFETTER
Executive Director